

## Message Text

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TAGS: CI, PINS, CPAB

SUBJECT: INTER-AMERICAN HUMAN RIGHTS COMMISSION - ENGLISH  
LITERACY REQUIREMENT FOR U.S. CITIZENSHIP

REF: STATE'S 191781

1. ARTICLE 12, SECTION 4 OF THE MEXICAN LAW OF NATIONALITY AND NATURALIZATION STIPULATES THAT A PERSON APPLYING FOR NATURALIZATION IN MEXICO SHOULD BE ABLE TO PROVE TO THE DISTRICT COURT JUDGE THAT HE IS CAPABLE OF SPEAKING AND UNDERSTANDING THE SPANISH LANGUAGE. ACCORDING TO A PRIVATE ATTORNEY SPECIALIZING IN SUCH MATTERS, THIS REQUIREMENT IS USUALLY WAIVED IN THE CASE OF A FEMALE APPLICANT MARRIED TO A MEXICAN CITIZEN.

2. A SOURCE AT THE FONOFF FAMILIAR WITH LAW VERSUS PRACTICE IN NATIONALITY MATTERS ALSO REPORTED THE FOLLOWING POINTS:

A) THE SPANISH LANGUAGE REQUIREMENT UNDER THE LAW IS A PRECONDITION IN OBTAINING MEXICAN CITIZENSHIP IN ORDINARY OR "NORMAL" CASES.

B) IN "SPECIAL" OR "PRIVILEGED" CASES THE LANGUAGE REQUIREMENT IS "OVERLOOKED". THIS PRACTICE HAS BECOME CUSTOM SINCE EXPERIENCE HAS SHOWN THAT MOST FOREIGNERS  
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APPLYING FOR CITIZENSHIP ARE WHAT IS KNOWN AS INDO-

LATINOS, LOOSELY DEFINED AS PEOPLE ORIGINATING AS A RESULT OF SPANISH COLONIZATION, WHO NORMALLY SPEAK SPANISH.

C) INDO-LATINOS AND OTHER FOREIGNERS SUCH AS INVESTORS AND BUSINESSMEN ARE LUMPED TOGETHER AND ARE HANDLED AS "PRIVILEGED CASES" OR PRIVILEGIADOS. THEY ARE GRANTED CITIZENSHIP BY PRESIDENTIAL DECREE AND SINCE THEY DO NOT HAVE TO APPEAR BEFORE A COURT, ARE NOT REQUIRED TO UNDERGO A TRIAL TO PROVE THAT THEY SPEAK AND UNDERSTAND SPANISH.

D) THE PRACTICE OF ONLY GRANTING CITIZENSHIP BY PRESIDENTIAL DECREE HAS EXISTED SINCE THE IMMIGRATION LAW OF 1934 WENT INTO EFFECT. AT THE TIME AND UNTIL THE ADMINISTRATION OF PRESIDENT RUIZ-CORTINES IN 1952, IT WAS THE PRACTICE OF THE INCUMBENT PRESIDENT TO BE PRESENTED WITH A MONTHLY LIST OF APPLICANTS FOR MEXICAN NATIONALITY WHICH HE WOULD SIGN AS A MATTER OF COURSE. AFTER 1952 THE SYSTEM CHANGED MAKING IT A PREROGATIVE OF THE PRESIDENT TO ASK FOR THE LIST AND THE RESPECTIVE CASE FILES AT HIS CONVENIENCE FOR REVIEW AND APPROVAL OF INDIVIDUAL CASES AS DEEMED APPROPRIATE.

E) DURING THE PERIOD CITED ABOVE, APPROVAL OF CASES RANGED FROM ROUGHLY 46 DURING A PRESIDENT'S SIX-YEAR TENURE TO 100 REPORTED DURING THE FIRST FOUR YEARS OF THE ECHEVERRIA ADMINISTRATION.

F) FEW AMERICANS HAVE REQUESTED MEXICAN CITIZENSHIP WITHIN THE PAST DECADE. MOST OF THE APPLICANTS ARE INDO-LATINOS, LEBANESE AND SYRIANS.

3. IT IS EVIDENT FROM THE ABOVE THAT ONLY "PRIVILEGED" CASES ARE BEING APPROVED UNDER THE PRESIDENTIAL DECREE SYSTEM AND THAT THE LANGUAGE REQUIREMENT CALLED FOR BY LAW AND USUALLY RESERVED FOR "NORMAL" APPLICANTS HAS NOT BEEN ENFORCED IN RECENT YEARS, IF INDEED, EVER. THE FACT ALSO STANDS OUT THAT MEXICO IS INTERESTED IN GRANTING CITIZENSHIP ONLY TO PERSONS WHO WILL PROVIDE SOME BENEFIT TO MEXICO LIMITED OFFICIAL USE

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OR AS THE NEW IMMIGRATION LAW OF JANUARY 7, 1974, STATES WILL "CONTRIBUTE TO THE COUNTRY'S SOCIAL AND ECONOMIC DEVELOPMENT". UNDER THESE CIRCUMSTANCES APPLICANTS WILL CONTINUE TO BE SELECTED WITH A FINE COMB. BRANDIN

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